

THE British Bulwark :

BEING A
Collection of all the Clauses in
the several Statutes now in Force
against the Pretender, the Non-
jurors and the Papists.

WITH AN
APPENDIX
Relating to the Suspension of the
Habeas Corpus ACT.

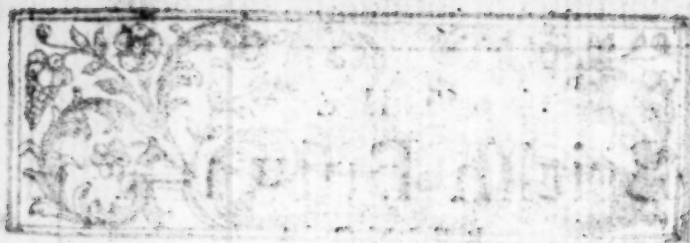
By THOMAS BURNETT, Esq;

Remember, O my Friends, the Laws, the Rights,
The generous Plan of Power delivered down
From Age to Age, by your Renown'd Fore-fathers :
(So dearly bought, the Price of so much Blood)
Oh let it never perish in your Hands!
But piously transmit it to your Children.
Do thou, great Liberty, inspire our Souls,
And make our Lives in thy Possession happy,
Or our Deaths glorious in thy just Defence. *Cato.*

L O N D O N :

Printed by W. WILKINS; and Sold by
J. ROBERTS, at the Oxford-Arms in
Warwick-Lane. 1715.

(Price Six-Pence.)





TO THE
Right Honourable the
Lord Viscount *Townshend*,
One of His Majesty's Principal
Secretaries of State, &c.

My LORD,



WHEN I had thrown
together the fol-
lowing Sheets for
the Use of the Pub-
lick, I flattered my
self from your Lordship's conti-
nual

DEDICATION.

nual Application to the Service of your King and of your Country, that you would not be unwilling to vouchsafe the Honour of your Patronage to my Performance.

Upon this occasion, I might very much ingratiate myself with my Readers, by giving them some shining Particulars of your Lordship's Character; but this would be to anticipate what the Nation expects to see one Day at large in the History of *England*.

No *Englishman*, who writes the Transactions of the late Reign, can

DEDICATION.

can omit so remarkable an Instance of the Glory of our Nation, as your Lordship's Embassy to the *States General*, appeared to be in the Eyes of all *Europe*.

It was then that *France* found itself as much inferiour to us in the Cabinet, as it had been before in the Field. It was then that the *British* Nation was famous for Conduct as well as Valour. Our Allies confided in our Honour, and our Enemies had no opportunity to disunite us by Treachery. Our Ministry then had no Interest separate from that of their Country ;

DEDICATION.

try ; and *France*, which for many Years seemed to delight only in War, began to sue earnestly for¹⁸ Peace.

My Lord, I have endeavoured to lay under one View, all those wise and wholesome Laws, which remain as the Safeguard of our Constitution against its Enemies at Home ; while our Security from Abroad, by the powerful Guarantee of the *States of Holland*, is owing to your Lordship's Administration : A Security, which the Friends of our happy Establishment ought never to forget, and
the

DEDICATION.

the Enemies of it will never forgive.

I am with the greatest Respect,

My LORD,

Your Lordship's

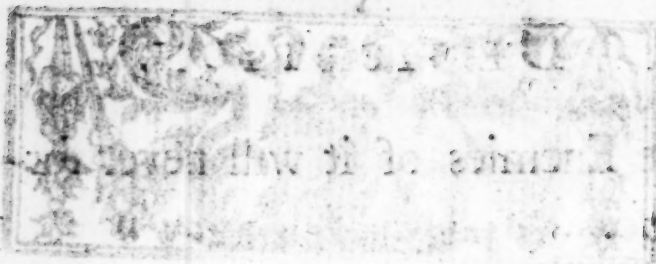
Most humble and

most obedient Servant,

THOMAS BURNETT.

B

THE



I am very glad to hear
of your success in
the business of it will be
a great help to you

and I am sure you will
be able to do it with
ease and success. I am
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T H E

British Bulwark, &c.



AT this unhappy Juncture, when we we are not only threatned with a Foreign Force, but already behold a Rebellion set on foot in many Parts of this Island, I cannot but regard it as a most happy Omen of Success, that the Friends of the present Establishment shew a Resolution and Courage, peculiar to the *English Nation*, upon the Thoughts of their approaching Danger. The noble Zeal and Unanimity which both Houses of Parliament have express'd upon this trying Occasion, gives all *Europe* a publick Testimony of the high Regard they have for the Person of his present Majesty, and of the Confidence they place in his Wisdom and Justice. There is scarce a true Protestant in this Nation, but declares himself ready to sacrifice both his Life and Fortune in behalf of the most Illustrious House of *Hannover*. We look not upon our great Monarch at present, only as he is the wisest and most amiable Prince that ever blest a People, but we consider him likewise as the Person on Earth that alone can defend us from Oppression and Slavery.

Let the good People of *England* therefore still carry this in their Mind, That a Popish Impster, educated in the

the School of Tyranny, and accusom'd to behold the Persecution of Protestants with pleasure, is now presuming to contend for the Throne of *Great Britain*, with that glorious Prince, who has hitherto been the great Support of the Reformed Religion in *Germany*, and was exemplary for the Mildness of his Government, even in a Country where his Power was without Restraint: And when they have made this Comparison, sure Death itself will be preferable to such an Exchange, if it were in the Power of Traytors to impose it upon us.

In the mean time, since a great many of the well-meaning Subjects of King *George* have been deluded by specious Arguments, to favour the unjust Pretensions of a Popish Outlaw, I think it will not be unseasonable to remind my honest Countrymen of those Principles upon which he stands for ever excluded from the Throne of these Realms.

Although his Birth be attended with such suspicious Circumstances, as make it more than probable, that a spurious Issue was at that Time imposed upon this Nation; yet since he was acknowledged by his supposed Father to be Legitimate, I shall not at present insist upon this Particular, but pass on to an Argument of much greater Weight.

Such is the State of this Nation, that every Subject is by an Oath obliged to pay an Allegiance and Obedience to his Sovereign; and on the other Hand, every King of *England* is bound by an Oath, which he takes at his Coronation, to preserve to his Subjects their Rights, Privileges and Liberties inviolable. Now in all Contracts where there is a reciprocal Obligation, if either of the Parties should fail in the performance of his Part, it has been held as a certain Rule, that the other is in Equity discharged from the performance of his. King *James II.* according to the usual Solemnities, did take the Coronation Oath, and afterwards broke through it by repeated

ed Acts of Violence and Injustice; for whereas it is an essential Part of our Constitution, that the People of this Nation shall be bound by such Laws, as their own Representatives, together with the King and House of Lords do enact; yet he took upon him alone to dispence with many of the Statutes then in being; and whereas it is a fundamental Article of the Privileges and Liberties of the Subject, that no Tax shall be imposed upon them, otherwise than as it is given by Act of Parliament; yet he took upon him to levy Money by his own Authority in another manner, and to other uses, than those for which it was granted: Thus the Sovereign failing in his share of the Contract, his Subjects were also discharg'd from their Part, which was the Duty of Allegiance.

In this Posture stood Matters, when the Prince of *Orange* came over, at the Invitation of an injur'd People, to succour them, by obliging his Father in-Law to call a free Parliament, and therein to redress all Grievances. But these Terms were refused, and no sooner had the Army forsaken him, (by whom alone he proposed to govern) than King *James* thought fit to abandon this Nation, and fly to *France* for Protection, thereby in effect renouncing of himself that Power over us, which by his illegal Practices he had forfeited before. The King being thus departed with all his Family, excepting the Princess *Mary* and her Sister, (the late Queen) the Safety of this Kingdom required, that the States of this Realm should confer the Supreme Power upon King *William* and his Queen, who was the next Protestant Heir. And having been thus near the brink of Ruin under the Reign of a Prince of the *Romish* Religion, there was an Act of Parliament passed, to exclude Papists for ever from inheriting the Crown, which in Prudence and good Policy, should have been done upon the very first Establishment of the Reformation here.

It will therefore scarce be a Question, Whether a Nation (when the Fundamentals of their Constitution are subverted by a Popish Prince, who abandons them with a design

sign to raise an Army, and subdue them by Force) may not provide for their own Safety, by declaring him, and every one of his Religion, incapable of ever succeeding to the Throne. To have a King that is a Papist, is inconsistent with the Welfare of a Protestant Country; for although he should enter into the most solemn Engagements, though he should make the amplest and most satisfactory Promises, and be under the strictest Oaths, not to endeavour to introduce his own Faith amongst his Subjects, still a Dispensation from the Church of *Rome* can enable him to break through all these Ties, and even persuade him that such a Perfidiousness is Meritorious. Did not the Popish Queen *Mary* at her coming to the Throne, faithfully promise to all her Protestant Subjects, the free Exercise of their Religion? And yet the very County, which was the most forward in acknowledging her Title, was likewise the first who felt the Cruelty of her blood-thirsty Religion. This very King *James II.* had made so many fair and specious Promises, at the beginning of his Reign, that he became the Darling of the Clergy, and particularly of the University of *Oxford*, which was the first Society that felt his oppressive Hand; and then wisely denied him that Passive Obedience, which before they had so unwarily decreed him.

It is upon these Grounds that I would have an *Englishman* no longer regard the *Pretender*, as one deprived of his Right, but as a Person who can never Reign over us but to the Destruction of the Protestant Interest in this Island, and throughout all *Europe*; and in a Word, as the dangerous Tool of a formidable Neighbour, who to accomplish his Designs of Universal Monarchy, would be willing to put this Idol of the *Jacobites* upon us, whom we should soon discover, were he once settled upon the Throne, to be no more than his Vice-Roy.

I persuade myself that I am at present speaking the Sense of far the greater Part of this Nation, since it is visible that many, even of the disaffected, are convinced of their Error. It is with unspeakable Comfort that I behold

behold the Eyes of my deluded Countrymen, who were blinded with a Zeal for the Church, now opened by the Desertion of their Leaders, whose Inclination towards the *Pretender's* Interest had else remained doubtful to this very Hour. Whilst they could be prevailed upon to think him Innocent, how were Numbers of the inferior People taught to shout with Joy at the Name of *Ormond*, even at a Time when the assembled Commons of the Land had accused him of the basest Treachery that a Soldier could be guilty of; yet now that by his ignominious Flight, he has so publickly manifested his Guilt, every honest *Briton* is ashamed to speak in his Defence. *Bolingbroke* likewise, who was once the Favourite of the same deluded People in these Kingdoms, no sooner declared himself avowedly for the Cause of the *Pretender*, than he was disowned by every Loyal Subject. And let the Impostor in *Lorrain* be buoyed up with what glad Tidings soever these Fugitives can bring him; I dare to affirm, that whenever he shall invade us, and thereby leave us no other Distinction but that of Protestant and Papist, he will find above Three Parts in Four of the whole Nation, zealous against him.

What Assurances from his Party here, or what Promises of Assistance from Abroad, may have prevailed upon the *Chevalier de St. George* to think of attacking us at this Juncture, I confess I am utterly a Stranger to. Had he endeavoured it either in the late Reign, or upon the very instant of her Majesty's Demise, when a ruinous Ministry had taken singular Care, that we should have neither Fleet nor Army to defend us; or had he landed here in the Time of our Sovereign's Absence from his Dominions; nay, had he invaded us before so honest and so well affected a Parliament had been chosen, he might, without all doubt, have put us into the greatest Confusion. But whilst the King, the Lords and the Commons are all so unanimous in one Interest, whilst our honest Allies the *Dutch*, are ready to perform the Articles of their Barrier Treaty, and whilst he can hope only for the Assistance of a few disaffected Wretches,

who will probably receive the just Reward of their fruitless Rebellion before he can Land; I confess, I shall look upon all the *Pretender's* Attempts upon these Kingdoms, as the impotent Efforts of a despairing Faction, under an imaginary Prince,

However, were this Impostor's Scheme ever so deeply laid, and were his Friends ever so numerous, still I should rejoyce in this one Reflection, That the Laws of the Land are in full force against him and all his Adherents, and that the Power of executing those Laws is at present lodged in the properest Hands,

That the *Pretender* may therefore know what Risque he runs, whensoever he shall attempt to Land on our Coasts, that the *Jacobites*, *Non-Jurors* and *Papists* may be certified what Laws are now against them, and that honest Protestants may see how legally they may oppose these Enemies of our Constitution; I have been at the pains to throw together, for their Information, a Collection of all those Clauses in the several Statutes now in being, which remain as a Bulwark to our present happy Establishment.

IN the 1. *W. & M. Sess. 2. cap. 2.* For preventing all Questions and Divisions in this Realm, by reason of any pretended Titles to the Crown, and for preserving a Certainty in the Succession thereof, in and upon which, the Unity, Peace, Tranquillity and Safety of this Nation doth, under God, wholly consist and depend; the Lords Spiritual and Temporal, and Commons, do beseech their Majesties that it may be enacted, established and declared, that the Crown and Regal Government of the said Kingdoms and Dominions, with all and singular the Premises thereunto belonging and appertaining, shall be and continue to their said Majesties, and the Survivor of them during their Lives, and the Life of the Survivor of them; and that

the

the entire, perfect and full Exercise of the Regal Power and Government be only in and executed by his Majesty, in the Names of both their Majesties during their joynt Lives; and after their Deceases, the said Crown and Premisses shall be and remain to the Heirs of the Body of her Majesty; and for default of such Issue, to her Royal Highness the Princess *Anne of Denmark*, and the Heirs of her Body; and for default of such Issue, to the Heirs of the Body of his Majesty; thereunto the Lords Spiritual and Temporal and Commons do, in the Name of all the People aforesaid, submit themselves, their Heirs and Posterities for ever, and do faithfully promise, that they will stand to, maintain and defend their said Majesties; and also the Limitation and Succession of the Crown herein specified and contained, to the utmost of their Powers, with their Lives and Estates, against all Persons whatsoever that shall attempt any thing to the contrary.

And whereas it hath been found by Experience, that it is inconsistent with the Safety and Welfare of this Protestant Kingdom to be govern'd by a Popish Prince, or by any King or Queen marrying a Papist; the Lords Spiritual and Temporal and Commons do further pray that it may be enacted, That all and every Person or Persons that is, are, or shall be reconciled to, or shall hold Communion with the See or Church of *Rome*, or shall profess the Popish Religion, or shall marry a Papist, shall be excluded, and be for ever incapable to inherit, possess or enjoy the Crown and Government of this Realm and *Ireland*, and the Dominions thereunto belonging, or any Part of the same, or to have, use or exercise any Regal Power, Authority or Jurisdiction within the same; and in all and every such Case or Cases, the People of these Realms shall be and are hereby absolved of their Allegiance. And the said Crown and Government shall from time to time descend to and be enjoyed by such Person or Persons, being Protestants, as should have inherited and enjoyed the same, in case the said Person or Persons

sons so reconciled, holding Communion, or professing or marrying as aforesaid, were naturally dead, &c.

All which their Majesties are contented and pleased shall be declared, enacted and established by the Authority of this present Parliament, and shall stand, remain and be the Law of this Realm for ever. And the same are by their said Majesties, by and with the Advice of the Lords Spiritual and Temporal, and Commons in Parliament assembled, and by the Authority of the same, declared, enacted and established accordingly.

In the first of *W. & M. cap. 9.* it is enacted, That whereas the great Numbers of Papists resorting to the Cities of *London* and *Westminster*, are, and for a long time have been found dangerous to the Peace and Safety of this Kingdom; for the better preservation of the Common Safety, and avoiding their mischievous Practices and Designs, and for the better discovering and amoving all Papists and reputed Papists out of the said Cities, and ten Miles off the same, it shall and may be lawful, and it is hereby required, that the Lord Mayor of the City of *London* for the Time being, and every Justice of the Peace for the City of *London*, and for the City and Liberties of *Westminster*, and Borough of *Southwark*, and of the Counties of *Middlesex*, *Surrey*, *Kent* and *Sussex*, within their respective Counties, Cities, Boroughs and Limits, do, from time to time, cause to be arrested and brought before him, every Person or Persons not being a Merchant Foreigner, within the said Cities, or within ten Miles of the same, as are, or are reputed to be Papists, and tender unto him the Declaration mention'd in the Statute made in the thirteenth Year of King *Charles II.* entitled, *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament*; and in case such Person upon such tender, refuse audibly to repeat, make and subscribe the said Declaration, and shall after such refusal, remain, continue, or be within the said

‘ said City or Cities, or ten Miles distance from the
 ‘ same, that in every such Case he or she shall forfeit and
 ‘ suffer as a Popish Recusant, Convict by the Laws al-
 ‘ ready established, shall or may forfeit and suffer.

‘ In the same Year, *cap. 15.* ’twas enacted, That it
 ‘ should be lawful for any two or more Justices of the
 ‘ Peace, who should know or suspect any Person to be
 ‘ a Papist, or should be informed any Person was, or was
 ‘ suspected to be a Papist, to tender the Declaration set
 ‘ forth in an Act made in the 30th of K. Charles II. enti-
 ‘ tled, *An Act for the more effectual preserving the King’s*
 ‘ *Person and Government, by disabling Papists from sitting*
 ‘ *in either House of Parliament,* to be by him made, repeat-
 ‘ ed and subscribed; and if such Person so required refuse
 ‘ to make, repeat and subscribe the said Declaration, or re-
 ‘ fuse, or forbear to appear before the said Justices, on no-
 ‘ tice to him given or left at his usual Place of Abode, by
 ‘ any Person authorized in that Behalf, by Warrant under
 ‘ the Hands and Seals of the said two Justices; he is pro-
 ‘ hibited to have or keep in his House or elsewhere, to his
 ‘ Use, or at his Disposition, any Arms, Weapons, Gun-
 ‘ powder or Ammunition, other than such necessary Wea-
 ‘ pons as should be allowed to him by the Order of the Ju-
 ‘ stices of the Peace at their General Quarter Sessions. It
 ‘ is farther enacted, That any two or more Justices of the
 ‘ Peace, by Warrant under their Hands and Seals, may
 ‘ authorize and empower any Person or Persons in the
 ‘ Day-time, with the Assistance of the Constable, or De-
 ‘ puty, or Tything man, or Headborough where the
 ‘ Search should be, to search for a’l Arms, Weapons,
 ‘ Gunpowder or Ammunition, which should be in the
 ‘ House, Custody or Possession of any such Papist or re-
 ‘ puted Papist, and seize the same for his Majesties Use:
 ‘ And farther, That no Papist or reputed Papist so refu-
 ‘ sing or making default, shall have or keep in his own
 ‘ Possession, or in the Possession of any other Person, a-
 ‘ ny Horse or Horses, which shall be above the Value of
 ‘ 5*l.* to be sold; and that any two or more Justices of
 ‘ the Peace, by Warrant under their Hands and Seals,
 ‘ may

* may and shall authorize any Person or Persons with
 * such Assistance as aforesaid, to search for and seize for
 * his Majesty's Use all such Horse or Horses which shall
 * be above the Value of 5*l.* to be sold.

* In the 7*th* Year of King *William*, cap. 7. it was en-
 * acted, That from and after the 1*st* Day of *May* 1696,
 * all and every Person or Persons who shall refuse to
 * take the Oaths mentioned and appointed to be taken, in
 * an Act of Parliament made in the first Year of the
 * Reign of his present Majesty, and the late Queen of
 * blessed Memory, entitled, *An Act for the abrogating*
 * *of the Oaths of Supremacy and Allegiance, and appoint-*
 * *ing other Oaths*, or either of them when tendered to
 * him or them, by any Persons lawfully authorized to
 * administer the same, or shall refuse or neglect to ap-
 * pear when lawfully summoned, in order to have the
 * said Oath tendred to him or them, shall, until he or
 * they have duly taken the said Oaths, be liable to incur,
 * forfeit, pay and suffer all and every the Penalties, For-
 * feitures, Sums of Money, Disabilities and Incapacities,
 * which by the Laws and Statutes of this Realm, now
 * in force, or any of them, are inflicted upon Popish Re-
 * cusants duly convict of Recusancy; and that for the
 * better and more orderly levying and answering the said
 * Penalties and Forfeitures to his Majesty, his Heirs and
 * Successors, the Persons so tendring the said Oaths,
 * shall, upon every such Refusal or Default of Appea-
 * rance as aforesaid, record and enter in Parliament the
 * Christian and Surnames, and the Place of Abode of the
 * Person or Persons so refusing or not appearing, as a-
 * foresaid, to take the said Oaths, or either of them, to-
 * gether with the Time of such Tender and Refusal, or
 * Default of Appearance, and shall deliver and certifie
 * the said Record or Entry to the Justices of Assize, Ju-
 * stices of Oyer and Terminer, or Goal-Delivery, at their
 * next Session within the same County, who shall forth-
 * with estreat and certifie the same into his Majesty's
 * Court of Exchequer, to be there entred on Record, to
 * the End that the said Court of Exchequer may there-
 * upon

' upon award and issue such Process against the Lands
 ' and Goods of the said Person or Persons mentioned in
 ' such Estreat or Certificate, as may by the Laws and
 ' Statutes of this Realm be awarded and issued against
 ' the Lands and Goods of a Popish Recusant convicted:
 ' And it is further enacted, That if any Person or Per-
 ' sons shall, from and after the said 1st Day of May,
 ' maliciously, by writing, printing, preaching, teaching
 ' or advised speaking, utter, publish, or declare, That
 ' his present Majesty is not the lawful and rightful King
 ' of these Realms, or that the late King *James*, or the
 ' pretended Prince of *Wales*, hath any Right or Title to
 ' the Crown of these Realms, or that any other Person
 ' or Persons hath or have any Right or Title to the
 ' same, otherwise than according to an Act of Parlia-
 ' ment made in the first Year of the Reign of his pre-
 ' sent Majesty and the late Queen, entitled, *An Act de-
 ' claring the Rights and Liberties of the Subjects, and
 ' settling the Succession of the Crown*, such Person or Per-
 ' sons being thereof lawfully convicted, shall incur the
 ' Danger and Penalty of *Præmunire*, mentioned in the
 ' Statute of *Præmunire*, made in the 16th Year of the
 ' Reign of King *Richard II.*

' In the 9th of King *William III.* cap. 1. it was en-
 ' acted, That if any of his Majesty's Subjects, who have
 ' at any time since the 11th of *December* 1688. volun-
 ' tarily gone into *France*, or any of the *French King's*
 ' Dominions in *Europe*, without Licence from his Ma-
 ' jesty, or her late deceased Majesty Queen *Mary* of
 ' blessed Memory, or who have at any time during the
 ' late War with *France*, born Arms in the Service of
 ' the *French King*, either by Sea or Land, or who have
 ' at any time since the 13th of *February* 1688. been in
 ' Arms under the Command, or in the Service of the
 ' *French King*, either by Sea or Land, or who have at
 ' any time since the 13th of *February* 1688, been in
 ' Arms under the Command, or in the Service of the
 ' late King *James* in *Europe*, shall, at any time after the
 ' 14th of *January* 1697, return into the Kingdom of
 ' D *England,*

England, or any other his Majesty's Dominions; without Licence from his Majesty under the Privy Seal, every Person so offending shall (being lawfully convicted thereof) be taken, deemed, and adjudged to be guilty of High Treason, and shall suffer and forfeit as in Cases of High-Treason. And for preventing traitorous Correspondence between his Majesty's Subjects and the late King *James*, or his Adherents, it is further enacted, That if any of his Majesty's Subjects, from and after the said 14th Day of *January* 1697, without Licence from his Majesty, shall, within this Realm, or without, in order to give any Aid or Assistance to the late King *James*, hold, entertain, or keep any Intelligence or Correspondence by Letters, Messages, or otherwise, with the late King *James*, or with any Persons employed by him, knowing such Persons to be so employed, or shall without Licence from his Majesty, by Bill of Exchange or otherwise, remit or pay any Sum or Sums of Money for the Use or Service of the late King *James*, knowing such Money to be for such Use or Service; such Person so offending, being lawfully convicted, shall be taken, deemed, and adjudged to be guilty of High Treason, and shall suffer and forfeit as in Cases of High Treason. And it is further enacted, That where any of the Offences against this Act shall be committed out of this Realm, the same may be alleged and laid, enquired of and tried in any Country of this Realm. And it is further enacted, That all and every Person or Persons, who from and after the 6th Day of *January* 1697, shall procure for themselves or any other Person, or accept, receive or take any Charter of Pardon or other Grant, or any Title of Honour, or other Matter or Thing to be had or enjoyed in the Kingdom of *England* and *Ireland*, from or by the pretended Authority of the late King *James*, or shall claim or demand any Benefit, Title or Advantage thereby, or by any Writing purporting any such Pardon or Grant, shall, (being lawfully convicted thereof) be taken, deemed and adjudged to be guilty of

High

• High Treason, and shall suffer and forfeit as in Cases
 • of High Treason : And whosoever hath since the 11th
 • Day of *December*, 1688, accepted, received, or taken
 • any such Pardon, or Grant, or any Title or other Matter
 • or Thing whatsoever, shall and is hereby required,
 • on or before the 13th Day of *February*, 1697, to de-
 • liver such Pardon or Grant to his Majesty in Coun-
 • cil, or to one of his Majesty's Principal Secretaries of
 • State, in the Presence of two or more credible Wit-
 • nesses; and in Default thereof shall (being lawfully
 • convicted thereof) be taken, deemed and adjudged to
 • be guilty of High Treason, and shall suffer and for-
 • feit as in Cases of High Treason.

In the 11th Year of the Reign of King *William*,
 cap. 4. it was enacted, • That every Person who should
 • take or apprehend a Popish Priest, Bishop or Jesuit,
 • and convict him of saying Mass, or exercising any o-
 • ther Part of the Office or Function of a Popish Priest,
 • should receive from the Sheriff the Sum of One Hun-
 • dred Pounds upon producing a Certificate under the
 • Hand or Hands of the Judge or Justices, before whom
 • such Conviction was made. It was farther enacted,
 • That if any Popish Bishop, Priest or Jesuit whatso-
 • ever shall say Mass, or exercise any other Part of the
 • Office or Function of a Popish Bishop or Priest with-
 • in these Realms, or the Dominions thereunto belong-
 • ing; or if any Papist, or Person making Profession of
 • the *Romish* Religion, shall keep School, or take upon
 • themselves the Education or Government, or Boarding
 • of Youth in any Place within this Realm, or the Do-
 • minions thereunto belonging, such Person or Persons
 • being thereof lawfully convicted, that then every such
 • Person shall on such Conviction be adjudged to perpe-
 • tual Imprisonment, in such Place or Places within this
 • Kingdom, as the King, by Advice of his Privy Coun-
 • cil, shall appoint. It was also further enacted, • That
 • if any Person educated in the Popish Religion, or pro-
 • fessing the same, shall not within Six Months after he
 • or she shall attain the Age of Eighteen Years, take the
 • Oaths of Allegiance and Supremacy, and also subscribe
 • * the

• the Declaration set down and expressed in an Act of
 • Parliament, made in the Thirteenth Year of the Reign
 • of the late King *Charles the Second*, intituled, *An Act*
 • *for the more effectual preserving the King's Person and*
 • *Government, by disabling Papists from sitting in either*
 • *House of Parliament*, to be by him or her made, re-
 • peated and subscribed in the Courts of *Chancery* or
 • *King's-Bench*, or Quarter Sessions of the County where
 • such Person shall reside, every such Person shall in re-
 • spect of him or herself only, and not to or in respect
 • of any of his or her Heirs or Posterity, be disabled or
 • made incapable to inherit or take, by Descent, Devise
 • or Limitation, in Possession, Reversion or Remainder,
 • any Lands, Tenements or Hereditaments within the
 • Kingdom of *England*, Dominion of *Wales*, or Town
 • of *Berwick upon Tweed*; and that during the Life of
 • such Person, or until he or she do take the said Oaths,
 • and make, repeat and subscribe the said Declaration,
 • in Manner as aforesaid, the next of his or her Kindred,
 • which shall be a Protestant, shall have and enjoy the
 • said Lands, Tenements and Hereditaments, without
 • being accountable for the Profits by him or her recei-
 • ved, during such Enjoyment thereof as aforesaid: But
 • in case of any wilful Waste committed in the said
 • Lands, Tenements or Hereditaments, by the Person so
 • having or enjoying the same, or any other by his or
 • her Licence or Authority, the Party disabled, his or
 • her Executors and Administrators shall and may recover
 • treble Damages for the same, against the Person commit-
 • ting such Waste, his or her Executors or Administrators, by
 • Action of Debt, in any of his Majesty's Courts of Record
 • at *Westminster*; And that from and after the 10th Day of
 • *April*, which shall be in the Year of our Lord 1700; eve-
 • ry Papist, or Person making Profession of the Popish
 • Religion, shall be disabled, and is hereby made incapable
 • to purchase either in his or her own Name, or in the
 • Name of any other Person or Persons, to his or her
 • Use, or in Trust for him or her, any Manors, Lands,
 • Profits out of Lands, Tenements, Rents, Terms or
 • Hereditaments, within the Kingdom of *England*, Do-
 • minion

* minion of *Wales* and *Town of Berwick upon Tweed*,
 * and that all and singular Estates, Terms, and any o-
 * ther Interests and Profits whatsoever out of Lands,
 * from and after the said 10th Day of *April* to be made,
 * suffered or done, to or for the Use or Behoof of any
 * Person or Persons, or upon any Trust or Confidence,
 * mediately or immediately, to or for the Benefit or Re-
 * lief of any such Person or Persons, shall be utterly void
 * and of none Effect, to all Intents, Constructions and
 * Purposes whatsoever. Provided always, That nothing
 * in this Act contained shall be construed to extend to
 * any Popish Priest for saying Mass, or officiating as a
 * Priest within the Dwelling House of any Foreign Mi-
 * nister residing here, so as such Priest be not one of
 * his Majesty's natural born Subjects, nor naturalized
 * within any of his Kingdoms or Dominions, and so
 * as the Name of such Priest, and the Place of his Birth,
 * and the Foreign Minister to whom he shall belong, be
 * entred and registred in the Office of the Principal Se-
 * cretary of State.

In the 12th Year of the Reign of King *William III.*
 cap. 2. * It was enacted by the King's most excellent
 * Majesty, by and with the Advice and Consent of the
 * Lords Spiritual and Temporal and Commons in this pre-
 * sent Parliament Assembled, and by the Authority of the
 * same, That the most excellent Princess *Sophia*, Electress
 * and Dutches Dowager of *Hanover*, Daughter of the
 * most excellent Princess *Elizabeth*, late Queen of *Bohe-*
 * * *mia*, Daughter of our late Sovereign Lord King *James*
 * *the First*, of happy Memory, be and is hereby decla-
 * red to be next in Succession in the Protestant Line, to
 * the Imperial Crown and Dignity of the said Realms of
 * *England*, *France* and *Ireland*, and of the Dominions
 * thereunto belonging, after his Majesty and the Prin-
 * cess *Anne* of *Denmark*, and in default of Issue of the
 * said Princess *Anne* and his Majesty respectively; and
 * that from and after the Deceases of his said Majesty,
 * our now Sovereign Lord, and her Royal Highness the

* Princess *Anne* of *Denmark*, and for default of Issue of
 * the said Princess *Anne* and of his Majesty respectively,
 * the Crown and Regal Government of the said King-
 * doms of *England*, *France* and *Island*; and of the Do-
 * minions thereunto belonging, with the Royal State and
 * Dignity of the said Realms, and all Honours, Stiles,
 * Titles, Regalities, Prerogatives, Powers, Jurisdictions
 * and Authorities to the same belonging and appertain-
 * ing, shall be, remain and continue to the said most
 * excellent Princess *Sophia*, and the Heirs of her Body,
 * being Protestants: And thereunto the said Lords Spir-
 * itual and Temporal and Commons, shall and will in the
 * Name of all the People of this Realm, most humbly
 * and faithfully submit themselves their Heirs and Poste-
 * rities; and do faithfully promise, That after the De-
 * ceases of his Majesty, and her Royal Highness, and
 * the failure of the Heirs of their respective Bodies, to
 * stand to, maintain and defend the said Princess *Sophia*
 * and the Heirs of her Body being Protestants, accord-
 * ing to the Limitation and Succession of the Crown in
 * this Act specified and contained, to the utmost of their
 * Powers, with their Lives and Estates, against all Per-
 * sons whatsoever that shall attempt any thing to the con-
 * trary.

In the 13th Year of the Reign of King *William III.*
 cap. 3. It was enacted, That the Pretended Prince of
 * *Wales* stand and be convicted and attainted of High
 * Treason, and that he suffer Pains of Death, and incur
 * all Forfeitures as a Traitor convicted and attainted of
 * High Treason. And for preventing Traiterous Corre-
 * spondence between his Majesty's Subjects and the said
 * Pretended Prince of *Wales* and his Adherents, It was
 * farther enacted, That if any of the Subjects of the
 * Crown of *England*, from and after the first Day of
 * *March*, One Thousand seven Hundred and one, shall
 * within this Realm or without, hold, entertain or
 * keep any Intelligence or Correspondence in Person, or
 * by Letters, Messages or otherwise with the said Pre-
 * tended

* pretended Prince of *Wales*, or with any Person or Persons employed by him, knowing such Person to be by him employed, or shall by Bill of Exchange or otherwise remit or pay any Sum or Sums of Money for the Use or Service of the said Pretended Prince of *Wales*, knowing such Money to be for such Use or Service; such Person so offending, being lawfully convicted, shall be taken deemed and adjudged to be guilty of High Treason, and shall suffer and forfeit as in Cases of High Treason. And it is further enacted, That where any of the Offences against this Act shall be committed out of this Realm, the same may be alledged and laid, enquired and tried, in any County of this Kingdom.

In the Reign of King *William III.* the same Year, cap. 6. ' It was enacted, That all Persons in any Office of Trust or Profit, (excepting Constables, Bailiffs of Mannors, &c.) and all Ecclesiastical Persons, and all Practisers, in the Law shall take an Oath there prescribed, abjuring the Person pretending to the Crown of these Realms. And that all and every the Person or Persons aforesaid, That do or shall neglect to take the said Oath, and subscribe thereto in the said Courts and Places, and at the respective Times as by this Act appointed, shall be *ipso facto* adjudged incapable, and disabled in Law to all Intents and Purposes whatsoever, to have, occupy or enjoy the said Office or Offices, Employment or Employments or any Part of them, or any Matter or Thing aforesaid, or any Profit or Advantage appertaining to them or any of them; and every such Office or Place, Employment and Employments shall be void, and is hereby adjudged void. And it is further enacted, That all and every such Person or Persons, who shall neglect and refuse to take the said Oath within the Times, and at the Places aforesaid, and yet after such Neglect and Refusal shall by himself or themselves, him or their Deputy or Trustee execute any of the said Offices or Employments after the said

Time is expired wherein he or they ought to have taken the said Oath, and being thereof lawfully convicted in or upon any Information, Presentment or Indictment in any of the King's Courts at *Westminster* or at the Assizes, every such Person or Persons shall be disabled from thenceforth to sue or use any Action, Bill, Plaint or Information in course of Law, or to prosecute any Suit in any Court of Equity, or to be Guardian of any Child or Executor or Administrator of any Person, or capable of any Legacy or Deed of Gift, or to be in any Office within this Realm of *England*, Dominion of *Wales* or Town of *Berwick upon Tweed*, and shall forfeit the Sum of Five Hundred Pounds, to be recovered by him or them that shall sue for the same, to be prosecuted by any Action of Debt, Suit, Bill, Plaint or Information, in any of his Majesty's Courts at *Westminster*, wherein no Essoign, Protection or Wager of Law shall lie. The Oath of Abjuration prescribed by this Act, was in some Particulars altered and amended, but the Penalties of not taking the Oath so amended, were enacted to be the same here specify'd, by the First of *Queen Anne*, cap. 22.

In the First of *Queen Anne*, Parliament 2. cap. 17. wherein the Time for taking the Oath of Abjuration was enlarged, and the Penalties of not taking the same were confirmed, It was enacted, That if any Person or Persons, at any time after the First Day of *March*, One Thousand seven Hundred and two, shall endeavour to deprive or hinder any Person who shall be next in Succession to the Crown for the time being, according to the Limitations in an Act, intituled, *An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*, and according to one other Act, intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, from succeeding after the Decease of her Majesty (whom God

long

• long preserve) to the Imperial Crown of this Realm,
 • and the Dominions and Territories thereunto belong-
 • ing, according to the Limitations in the before men-
 • tioned Acts; that is to say, such Issue of her Majesty's
 • Body as shall from time to time be next in Succes-
 • sion, if it shall please God Almighty to bless her Ma-
 • jesty with Issue; and during the Time her Majesty
 • shall have no Issue, the Princess *Sophia*, the next in
 • Succession to the Crown for the Time being, accord-
 • ing to the Limitation of the said Acts; and the same
 • maliciously, advisedly and directly shall attempt by any
 • Overt Act or Deed, every such Offence shall be ad-
 • judged High Treason, and the Offender or Offenders
 • therein, their Abettors Procurers and Comforters,
 • knowing the said Offence to be done, being thereof
 • convicted or attainted according to the Laws and
 • Statutes of this Realm, shall be deemed and adjudged
 • Traytors, and shall suffer Pains of Death, and all Los-
 • ses and Forfeitures, as in Cases of High Treason. In
 this Act the Oath of Abjuration is extended to *Ireland*,
 as fully as it was before required to be taken in *Eng-
 land*.

In the Third and Fourth of Queen *Anne*, cap. 14. It
 was enacted, That if at any time after the Five and
 Twentieth Day of *March*, One Thousand seven Hun-
 dred and Five, any Person or Persons shall, during the
 Continuance of the present War with *France*, send or
 load or transport or deliver, or cause to be sent or la-
 den or transported or delivered unto or for the Use of
 the said *French* King, or any of his Subjects residing
 within his Dominions, or any Town or Territory in
 his Possession, or into, or for any Port or Place with-
 in his said Dominions, any Arms, Ordnance Powder,
 Bullets, Pitch, Tar, Hemp, Masts, Cordage, Iron or
 Salt-Petre, every Person or Persons, so as aforesaid of-
 fending, and being thereof convicted or attainted by
 due Course of Law, shall be deemed, declared and
 adjudged to be a Traitor or Traitors, and suffer the
 Pains

Pains of Death, and also lose and forfeit as in Cases of High Treason. And if any of her Majesty's Subjects, who have at any time since the Fourth Day of *May*, in the first Year of her Majesty's Reign, voluntarily gone into *France* or any of the *French* Kings Dominions in *Europe*, without License from her Majesty, or who have at any time since the said Fourth of *May*, in the first Year of her Majesty's Reign, born Arms in the Service of the *French* King, either by Sea or Land, shall at any time after the said Five and twentieth Day of *March*, One Thousand seven Hundred and five, return into this Kingdom of *England* or any other her Majesty's Dominions, without License from her Majesty under her Privy-Seal, every Person so offending, and being thereof lawfully convicted or attainted, shall be taken deemed and adjudged to be guilty of High Treason, and shall suffer Penalties as in Case of High Treason. And if any Person who, since the said 4th of *May*, in the first Year of her Majesty's Reign, went into *France*, or any of the *French* King's Dominions, without License from her Majesty, or hath been in Arms under the *French* King, either by Sea or Land, hath returned into this Realm without License from her Majesty, every such Person shall depart this Realm before the First Day of *May*, One Thousand seven Hundred and five, unless such Persons shall before the said First Day of *May*, obtain her Majesty's License under her Privy-Seal for staying here: And in case such Person shall not depart the Realm on or before the said First Day of *May*, or shall after such Departure return into this Realm, without her Majesty's License as aforesaid, every such Person so offending, being thereof lawfully convicted, shall be taken deemed and adjudged guilty of High Treason, and shall suffer Penalties as in Cases of High Treason. And where any of the Offences against this Act shall be committed out of this Realm, or if any Person or Persons shall be guilty of returning or continuing within this Realm, contrary to the Provisions herein before made; every

such

such Offence may be alledged, laid, inquired of and tried in any County of this Realm. All Persons prosecuted by this Act, shall be intituled to the Benefit of an Act of Parliament made in the seventh Year of King William III. intituled, *An Act for regulating of Trials in Cases of Treason and Misprision of Treason.*

In the Fourth Year of Queen Anne, cap. 8. it was enacted, 'That if any Person or Persons, from and after the Five and Twentieth Day of March, that shall be in the Year of our Lord, One Thousand seven Hundred and six, shall maliciously, advisedly and directly maintain and affirm, That our Sovereign Lady the Queen that now is, is not the Lawful or Rightful Queen of these Realms, or that the pretended Prince of Wales, who now stiles himself the King of England, by the Name of *James the Third*, hath any Right or Title to the Crown of these Realms, or that any other Person or Persons hath or have any Right or Title to the same, otherwise than according to an Act of Parliament made in the first Year of their late Majesties King William and Queen Mary, of ever blessed and glorious Memory, intituled, *An Act, declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*; and one other Act made in the Twelfth Year of the Reign of his said late Majesty King William III. intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subjects*; or that the Kings or Queens of England, with and by the Authority of the Parliament of England, are not able to make Laws and Statutes of sufficient Force and Validity to limit and bind the Crown of this Realm, and the Descent, Limitation, Inheritance and Government thereof, every such Person or Persons shall be guilty of High Treason, and being thereof convicted and attainted according to the Laws and Statutes of this Realm, shall be deemed and adjudged Traytors, and shall suffer Pains of Death, and all Losses and Forfeitures, as

in

in case of High Treason. And it was further enacted, that if any Person or Persons shall from and after the said Five and twentieth of *March*, maliciously and directly, by Preaching, Teaching or advised Speaking, declare, maintain and affirm, that our Sovereign Lady the Queen that now is, is not the Lawful or Rightful Queen of these Realms; or that the pretended Prince of *Wales*, who now stiles himself King of *England* by the Name of *James the Third*, hath any Right or Title to the Crown of these Realms, or that any other Person or Persons hath or have any Right or Title to the same, otherwise than according to an Act of Parliament made in the first Year of the Reign of their late Majesties King *William* and Queen *Mary*, intituled, *An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown*, and one other Act made in the 12th Year of the Reign of his said late Majesty King *William III.* intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, or that the Kings or Queens of *England*, with and by the Authority of the Parliament of *England*, are not able to make Laws and Statutes of sufficient Force and Validity to limit and bind the Crown of this Realm, and the Descent, Limitation, Inheritance and Government thereof, every such Person or Persons, being thereof lawfully convicted, shall incur the Danger and Penalty of *Præmunire* mentioned in the Statute of *Præmunire* made in the sixteenth Year of the Reign of King *Richard II.*

In this Act likewise for the farther Security of the Succession, against any Attempts that might be made by the Person pretending to the Crown of these Realms, upon the Demise of Queen *Anne*, it was enacted, ' That the Parliament then in being, shall meet and continue to act for the Space of Six Months, unless sooner prorogued or dissolved by the Person to whom the Crown of this Realm shall come, remain and be, according to

†

the

' the Acts for limiting and settling the Succession: And
 ' in Case no Parliament be then in Being, then the last
 ' preceding Parliament shall convene, sit and continue
 ' as aforesaid, to all Intents and Purposes, as if they
 ' had never been dissolved.

By this Act likewise the Privy-Council, and all Officers Civil and Military, are continued upon the aforesaid Demise for the Space of Six Months. By this Act the Privy Council are farther required, immediately upon the Queen's Death, to proclaim the next Successor, on Pain of High Treason: And in case the Successor be out of the Realm, the Archbishop of *Canterbury*, the Lord Chancellor or Lord Keeper of the Great-Seal, the Lord High Treasurer, the Lord Privy-Seal, the Lord High Admiral, and the Lord Chief Justice of the *Queen's Bench* for the Time being, and any seven Persons, (being natural-born Subjects of this Realm) whom the Successor shall think fit to Name and appoint, (by three Instruments under his or her Hand and Seal, which three Instruments are here to be lodged by their Resident; the one in the Court of *Chancery*, the other in the Hands of the Archbishop of *Canterbury*, and the third in the Hands of the Lord Chancellor or Keeper) shall have full Power to exercise all Acts of Government in as full and ample manner as such next Successor could use or execute the same, if present in Person, until such next Successor shall arrive or otherwise determine their Authority. By this Act likewise a new Oath of Allegiance and Abjuration is appointed.

In the 5th Year of the Reign of *Queen Anne*, cap. 3. the Succession in the Illustrious House of *Hanover*, and the Exclusion of the *Pretender*, and all other Papists from the Crown of this Realm for ever, is made still a more essential Part of our Constitution, by the second Article of the Union of the Kingdoms of *England* and *Scotland*, which is as follows: ' That the Succession to the Monarchy of the United Kingdom of *Great Britain*, and of the Do-
 p. minions:

minions thereto belonging, after her most Sacred Majesty, and in default of Issue of her Majesty, be, remain and continue to the most excellent Princess Sophia, Electress and Dutches Dowager of *Hanover*, and the Heirs of her Body, being Protestants, upon whom the Crown of *England* is settled by an Act of Parliament made in the 12th Year of the Reign of King *William III.* entitled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*: And that all Papists and Persons marrying Papists, shall be excluded from, and for ever incapable to inherit, possess or enjoy the Imperial Crown of *Great Britain*, and the Dominions thereunto belonging, or any Part thereof; and in every such Case, the Crown and Government shall from time to time descend to, and be enjoyed by such Person, being a Protestant, as should have inherited and enjoyed the same, in Case such Papist, or Person marrying a Papist, was naturally dead, according to the Provision for the Descent of the Crown of *England*, made by another Act of Parliament in *England*, in the 1st Year of the Reign of their late Majesties King *William* and Queen *Mary*, entitled, *An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.*

In the 6th Year of the same Reign, cap. 7. An Act of Parliament passed, confirming, and in some Points amending the Act of the fourth and fifth of the Queen; and providing farther for the Safety of the Kingdom, in case of the Queen's Demise, and of the Absence of the Successor.

In the 14th cap. of the same Year it was enacted
 • That all Officers, Civil and Military, in that Part of
 • the Kingdom called *Scotland*, shall take the Oath pre-
 • scribed in an Act made in *England*, in the 13th Year
 • of the Reign of the late King *William III.* entitled,
 • *An Act for the further Security of his Majesty's Person,*
 • and

' and the Succession of the Crown in the Protestant Line,
 ' and for extinguishing the Hopes of the pretended Prince
 ' of Wales, and all other Pretenders, and their open and
 ' secret Abettors : And that every such Person or Per-
 ' sons, who shall neglect or refuse to take and subscribe
 ' the said Oath as aforesaid, and shall after such Neg-
 ' lect or Refusal, either Personally, or by his Deputy,
 ' execute any of the said Offices, and shall be thereof
 ' lawfully convicted, shall incur such Penalties, Disabi-
 ' lities and Forfeitures, as by the said Act are enacted,
 ' limited and appointed.

The Oath of Allegiance and Abjuration as it stands at
 present, is as follows : ' I A. B. do sincerely acknow-
 ' ledge, profess, testify and declare in my Conscience,
 ' before God and the World, That our Sovereign Lord
 ' King George is Lawful and Rightful King of this
 ' Realm, and of all other his Majesty's Dominions and
 ' Countries thereunto belonging; and I do solemnly and
 ' sincerely declare, that I do believe in my Conscience,
 ' that the Person pretended to be Prince of Wales during
 ' the Life of the late King James, and since his Decease
 ' pretending to be, and taking upon himself the Stile
 ' and Title of King of England, by the Name of James
 ' III. or of Scotland, by the Name of James VIII. or
 ' the Stile and Title of King of Great-Britain, hath not
 ' any Right or Title whatsoever to the Crown of this
 ' Realm, nor any other the Dominions thereunto be-
 ' longing; And I do Renounce, Refuse and Abjure any
 ' Allegiance or Obedience to him: And I do swear,
 ' that I will bear Faith and true Allegiance to King
 ' George, and him will defend to the utmost of my
 ' Power, against all Traiterous Conspiracies and At-
 ' tempts whatsoever, that shall be made against his Per-
 ' son, Crown or Dignity; and that I will do my ut-
 ' most Endeavours to disclose and make known to his
 ' Majesty and his Successors, all Treasons and traiterous
 ' Conspiracies, which I shall know to be against him or
 ' any of them. And I do faithfully promise to the ut-
 ' most.

• most of my Power to support, maintain and defend
 • the Succession of the Crown against the said *James*,
 • and all other Persons whatsoever, as the same is and
 • stands settled by an Act entitled, *An Act declaring the*
 • *Rights and Liberties of the Subject, and settling the Suc-*
 • *cession of the Crown, to the late Queen Anne, and the*
 • *Heirs of her Body, being Protestants; and as the same by*
 • one other Act, entitled, *An Act for the further Limi-*
 • *tation of the Crown, and better securing the Rights and*
 • *Liberties of the Subject, is and stands settled and en-*
 • *tailed after the Decease of the said late Queen, and for*
 • *Default of Issue of the said late Queen, to the late*
 • *Princess Sophia, and the Heirs of her Body being Pro-*
 • *testants. And all these Things I do plainly and sin-*
 • *cerely acknowledge and swear, according to the ex-*
 • *press Words by me spoken, and according to the plain*
 • *and common Sense and Understanding of the same*
 • *Words, without any Equivocation, mental Evasion, or*
 • *secret Reservation whatsoever. And I do make this*
 • *Recognition, Acknowledgment, Abjuration, Renun-*
 • *ciation and Promise, heartily, willingly, and truly,*
 • *upon the true Faith of a Christian. So help me God.*

In the last Year of *Queen Anne* (which was likewise
 confirmed by the Parliament that sat during the Regency)
 One Hundred Thousand Pounds was settled to be
 paid to any Person or Persons, who should seize or se-
 cure the Person of the *Pretender*, whenever he should
 Land or attempt to Land in any of these Dominions.
 And there is a Bill now passed the House of Commons,
 a Clause of which enacts, • That the aforesaid Sum shall
 • be paid to any Person or Persons (being Natives or
 • Foreigners) who shall seize or secure, alive or dead,
 • the Person of the *Pretender*, whenever he shall Land,
 • or attempt to Land in *Great Britain* or *Ireland*, or any
 • other his Majesty's Dominions: And, that in case the
 • Person shall perish in the Execution of this Enterprize,
 • then his Heirs or Assigns shall be entitled to the said
 • Sum of One Hundred Thousand Pounds.

In

In the first Year of the Reign of King *George*, for the preventing Tumults and Riots, it was enacted, That if any Persons, to the Number of Twelve or more, being unlawfully, riotously, and tumultuously assembled together, to the Disturbance of the publick Peace, at any time after the last Day of *July*, in the Year of our Lord One Thousand Seven Hundred and Fifteen, and being required or commanded by any one or more Justice or Justices of the Peace; or by the Sheriff of the County, or his Under-Sheriff, or by the Mayor, Bailiff or Bailiffs, or other Head-Officer, or Justice of the Peace of any City or Town Corporate, where such Assembly shall be, by Proclamation to be made in the King's Name, in the Form herein after directed, to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business, shall, to the Number of Twelve or more (notwithstanding such Proclamation made) unlawfully, riotously and tumultuously remain or continue together by the space of one Hour after such Command or Request made by Proclamation, that then such continuing together, to the Number of Twelve or more, after such Command or Request made by Proclamation, shall be adjudged Felony without Benefit of the Clergy, and the Offenders therein shall be adjudged Felons, and shall suffer Death as in case of Felony without Benefit of Clergy. And it was farther enacted, That the Order and Form of the Proclamations that shall be made by the Authority of this Act shall be as hereafter follows: The Justice of the Peace, or other Person authorized by this Act to make the said Proclamation, shall among the said Rioters, or as near to them as he can safely come, with a loud Voice command, or cause to be commanded, Silence to be while Proclamation is making; and after that shall openly and with loud Voice, make, or cause to be made Proclamation in these Words, or like in effect:

" Our Sovereign Lord the King chargeth and command-
 " eth all Persons being assembled, immediately to disperse
 " themselves, and peaceably to depart to their Habitations,
 " or to their lawful Business, upon the Pains contained in
 " the Act made in the first Year of the Reign of King
 " George, for preventing Tumults and Riotous Assemblies,
 " God save the King.

" And if the Persons so unlawfully, riotously and tu-
 " multuously assembled, or Twelve or more of them,
 " after Proclamation made in manner aforesaid, shall con-
 " tinue together, and not disperse themselves within one
 " Hour, then it shall be lawful for every Justice of the
 " Peace, Sheriff, Under-Sheriff, High or Petty Constable,
 " Mayor, or other Peace-Officer, in any County,
 " City, or Town Corporate, and for any Persons who
 " shall be commanded to be assisting to them, to seize
 " and apprehend, and they are hereby required to seize
 " and apprehend all such Persons so unlawfully continu-
 " ing together after Proclamation made, and to carry
 " them before one or more of his Majesty's Justices of
 " the Peace, for that County or Place, to be proceeded
 " against for such their Offences according to Law. And
 " if any of the Persons so unlawfully assembled, shall,
 " by reason of their resisting, be killed, maimed or hurt,
 " by the Persons authorised to disperse, seize or apprehend
 " them, that they shall be free, discharged and indem-
 " nified, as well against the King's Majesty, his Heirs
 " and Successors, as against all and every other Person
 " or Persons, of, for or concerning the killing, maim-
 " ing or hurting of any such Person or Persons. And
 " If any Persons unlawfully assembled shall begin to de-
 " molish and pull down any Church, Chappel or Build-
 " ing for Religious Worship, certified and register'd ac-
 " cording to the Statute made in the Reign of the late
 " King William and Queen Mary, entitled, *An Act for*
 " *exempting their Majesties Protestant Subjects, dissenting*
 " *from the Church of England, from the Penalties of cer-*
 " *tain*

‘ *tain Laws*; or any Dwelling-House, Barn, Stable, or
 ‘ other Out-house, then every such pulling down, or
 ‘ beginning to pull down, shall be adjudged Felony, with-
 ‘ out Benefit of Clergy.

Farther, by this Act, the wilful hindring or hurting
 any Person going to make Proclamation as aforesaid,
 and the continuing together of the Rioters one Hour af-
 ter they know of such Lett or Hindrance, is made Fe-
 lony without Benefit of Clergy. Moreover, this Act
 entitles every Person or Persons who shall suffer by ha-
 ving Houses, Churches, &c. demolished by the Rioters,
 to his Action of Damage against any two or more of
 the Hundred, who shall recover against the rest, in the
 same manner as it is provided by the Statute of 27 *Elix.*
cap. 13. This Act is to be openly read at every Quar-
 ter Sessions, and at every Leet or Law Day.

‘ Provided always, That no Person or Persons shall
 ‘ be prosecuted by Virtue of this Act, for any Offence
 ‘ or Offences contrary to the same, unless such Prose-
 ‘ cution be commenced within twelve Months after
 ‘ the Offence committed.

And this Act is as fully extended to the Sheriffs, De-
 puties, Stewarts, and other inferiour Magistrates in
Scotland, as in this Part of *Great Britain*, only with this
 Proviso; ‘ That this Act shall extend only to all Places
 ‘ of Religious Worship in that Part of *Great Britain*
 ‘ called *Scotland*, which are tolerated by Law, and
 ‘ where his Majesty King *George*, the Prince and Prin-
 ‘ cess of *Wales* and their Issue, are prayed for in express
 ‘ Words.

Before I proceed to make any Observations upon the
 Laws I have already cited: Since in the Act made in
 the 1st of *William* and *Mary*, *cap. 9.* and in another
 Act made in the 7th of King *William*, *cap. 27.* the Of-
 fences committed against those Statutes are declared lia-

ble to the same Penalties as those to which Popish Recusants convict are subjected, it may not be improper here to acquaint my Reader with the Nature and Punishment of such an Offence.

A Popish Recusant is one who refuses to take the Oath prescribed in the 1st Year of Queen *Elizabeth*, cap. 1. and the 3^d of King *James*, cap. 4. And farther, being wholly addicted to the Worship of the Church of *Rome*, does obstinately refuse to attend the Service of our Church. Such Person being convicted of the aforesaid Offences in the King's Bench, Assize or Goal-Delivery, does forfeit 12 *d.* every Sunday and Holyday, and also 20 *l.* for every Month during which he shall persist in thus absenting himself from Church. And in case he shall not pay his Forfeiture into the *Exchequer* at two Times in the Year, the Process shall issue to seize the Goods and Three Parts of the Land: And in case the Recusant cannot satisfy the Money forfeited in three Months, he shall be committed to Prison until he have paid; or shall consent. Farther, every Person born in *England*, or made a Denizen, above 16 Years of Age, being a Popish Recusant, that shall be convicted of Absence from the Church, and being in *England* at the Time of such Conviction, shall within 40 Days, if at Liberty, and if restrained within 20 Days after, repair to the Place of his Abode, not to remove five Miles from thence, unless licensed by four Justices of the Peace, under their Hands and Seals, with the Assent of the Bishop, Lieutenant, or any Deputy Lieutenant of the County, upon pain of losing his Goods and Chattels, and all his Lands for Life. But if he have no Place of Abode, he shall within the aforesaid Time repair to the Place where he was born, or where his Father or Mother dwells, there to remain under the Confinement aforesaid. And being come to such Place, he shall within 20 Days present himself to the Minister of the Parish, and to the Constable, and the Minister or Constable shall enter his Name in a Book to be kept in the Parish, and shall certify the same

same to the next Sessions, to be enrolled by the Justices. And if a Popish Recusant Convict not having 20 Marks Freehold *per Annum*, or 40 *l.* in Goods, shall not thus repair to the Place of his Abode or Birth, or shall afterwards remove above 5 Miles from the same; if upon being apprehended, he shall not conform himself within three Months, as the Statutes require; and shall not make such Submission, as is required by 35 *Eliz. cap.* 2. then any two Justices of the Peace or Coroner of that County, may require him to abjure the Realm, and assign him the Time and Haven. And if he shall refuse such Abjuration, and not go to such Haven, or at such Time as is to him so appointed; or shall return to these Realms without his Majesty's Licence, the Person so offending shall be guilty of Felony. Farthermore, the King's Majesty may refuse the 20 *l. per Month*, and instead thereof seize on all the Goods and two Thirds of the Land. This Law against Popish Recusants is contained in the 1st of Queen *Eliz. cap.* 2. 23 *Eliz. cap.* 1. 29 *Eliz. cap.* 6. 35 *Eliz. cap.* 1. & 2. and in the 1st of King *James I. cap.* 4. 3 *Jac. cap.* 4. & 5. All which are by the Statute of the 16th of King *Charles II. cap.* 4. declared now to be in force.

From this short View of the Statutes which have been made, as a Provision for the Safety of this Kingdom, my Reader will observe, that we are as happily secured and fenced against the Enemies of our present glorious Establishment, as any Protestant can desire.

The Pretender himself, that now presumes to take up on him the Stile and Title of King of *Great Britain*, is by Law a Traitor, his Life is already a Forfeit to the Crown, and the putting of him to Death, when he shall attempt to Land in any of the Dominions of his Majesty King *George*, is so far from being Criminal, that whosoever shall perform such an extraordinary piece
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of Service to the Nation, is entitled, by an Act of Parliament, to a Reward of an Hundred Thousand Pounds.

All this Man's Adherents and Abettors, whensoever they shall dare to declare by some Overt-Act in favour of him, are by Law so many Traitors, and as such are doom'd to suffer the pains of Death.

There are likewise such wise and wholesome Statutes made against all Papists and Non jurors, as might soon reduce those avowed Favourers of the *Pretender's* Title to such a Condition, as would make them no longer formidable Enemies of our Constitution, were the Justices of the Peace assiduous in putting them in Execution; and I doubt not but his Majesty's late Royal Proclamations will remind them of their Duty in this point.

The Laws and the Executive Power are now wholly on the side of the Protestant Interest; and if it were possible for any reasonable Man to imagine, that the *Pretender* could succeed in his Enterprize, yet he must know, that by the Laws of *England*, as well as by the Laws of all Nations, the Persons, who serve under a Monarch in possession, are not guilty of any Crime in resisting an Invader, though the Legislature should afterwards determine in his favour. Nay, in case he should prosper, his own Party will stand in need of a Pardon, for having served him in such an Invasion. *Vid. 11. Hen. 7. cap. 1.*

On the other Hand, if this fictitious Monarch, and all his Forces are utterly defeated, as in all human probability they must be, then all his Adherents and Abettors must either expect to die like Traitors, or live for ever banished from their Native Country. Thus the People of *England* may perceive with what Impunity and Security they may oppose and destroy the *Chevalier St. George* and his Friends, and with what Danger and Punishment their assisting him will necessarily be attended.

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Under these Circumstances who would be willing to serve an Impostor, unless by his Arrival they could propose to themselves some considerable Advantage? Who therefore are likely to become Gainers under a Popish and Tyrannical Government, will be no improper Enquiry.

Persons concerned in Trade, must, by the *Pretender's* necessary Subjection to *France*, expect to lose the most considerable Articles of their Profit. The Men of Estates will soon find, by the sinking of Commerce, that their Land will be reduced to a small Value. And those who are now concerned in the Publick Funds, cannot hope ever to enjoy their Wealth, after he has seized on the *British* Throne. For it is not to be questioned but he will declare all the Statutes made since the Year of our Lord 1688. to be void, as wanting the Royal Assent; and by this means the Bank of *England*, the *East-India* Company, the *South-Sea* Company, and every Society established by Act of Parliament since the late glorious Revolution, as being built upon a wrong Foundation, will lie at his Mercy, to be plundered as the *Chevalier* and his *Irish* Dragoons shall think proper. The Clergy cannot expect to be otherwise than ruined by his coming, since the Protestant Religion must thereby be lost, and their Cures will be taken from them, unless they can consent to quit their Wives, and suffer their Issue to be bastardiz'd. Lastly, the Universities of this Land, as being Seminaries of Learning, would be looked upon as inconsistent with a Religion of Superstition and Ignorance, and therefore must expect, upon such an occasion, to suffer from the Son what they refused to bear from the Father. By these Reflections then it is evident, that none but Wretches of desperate Fortunes could flatter themselves with the hopes of finding their Account in such a ruinous Project.

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I shall therefore venture to alter my Stile upon this occasion; and whereas in the beginning I affirmed, that Three Parts in Four of this Nation were true to the Interest of our glorious Sovereign King *George*, I will not fear now to assert, that there will not a Tenth Man in the Nation appear against him.

To sum up all in a few Words: Whilst we behold a Monarch seated upon the Throne of *Great Britain*, who is perfectly vers'd in the Arts of Governing in Peace, and Commanding in War; whilst we have a gallant Prince, who has already signaliz'd himself in combating the Enemies of this Nation; whilst we have the ablest Generals in *Europe* to serve under them; whilst we have a wise and vigilant Ministry employed in discovering the secret Practices of our Foes, and whilst we have a Parliament truly zealous in the Interest of their Country, I cannot but conclude with Mr. *Cowley*.

What will the Triumphs of his Battles be

Whose very Peace is Victory?

When Heaven bestows the best of Kings,

It bids us think of mighty Things.

His Valour, Wisdom, Off-spring speak no less,

And we the Prophets Sons write not by guess.

APPEN-

A P P E N D I X

THE Adversaries of our Constitution have omitted no Opportunity of misrepresenting the Proceedings of our present Ministry and Parliament; amongst other Things, they have taught the People to believe, that the Suspension of the *Habeas Corpus* Act for the Space of Six Months, is a formidable and unprecedented Step toward the Infringement of the Liberty of the Subject: Whereas 'tis demonstrable, that it is no more than has been regularly practised upon every imminent Danger that has threatened this Island for these six and twenty Years past.

The King has informed his Parliament from the Throne, *That he has received certain Advice, that the Pretender is preparing to invade these Kingdoms*, doubtless upon the Assurance has been given him of a Party here in *England* that are ready, upon the first Opportunity, to join him: And in such a Case, it is not only reasonable but necessary to intrust the Government with a full Power to seize upon all suspicious and disaffected Persons, without proceeding in the ordinary Course of Justice, which upon such an Emergency would be not only tedious but defective.

The *Habeas Corpus* Act was made in the 31st Year of King *Charles the Second*, cap. 2. and has been no less than four Times suspended since. Precedents of this Nature cannot be expected in the Reign of King *James the Second*, who never waited for the Consent of the Lords and Commons, to enable him to dispense with any of the Laws of this Realm.

During the Confusion under which the Nation laboured in the first Year of the late glorious Revolution, there

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pass'd two Acts of Parliament; the one in First of King *William* and Queen *Mary*, cap. 2. and the other in the same Year, cap. 19. empowering their Majesties to apprehend; detain and commit without Bail such Persons as they should find just Cause to suspect were conspiring against the Government.

At the Time of the horrid Assassination Plot, in the 7th and 8th of King *William*, cap. 11. there pass'd another Act, empowering his Majesty to commit all such Persons as he should suspect were conspiring against his Person and Government, without Bail.

Upon the *Pretender's* attempting to land in *Scotland*, by the 6th of Queen *Anne*, cap. 15. there was a Power granted to her Majesty, of apprehending and detaining such Persons as her Majesty should suspect were conspiring against her Person and Government.

All which Suspensions of the *Habeas Corpus* were conceived in almost the very Words of the late Act, and some of them continued for a Month longer.

